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**ERF 4597, 30 BIRD LANE, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: JP VAN
TAAK**

4597 HNC (5026/2025)

H van der Stoep

16 February 2026

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 30 June 2025 from JP van Taak in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Removal of Restrictive Title Deed Condition** in terms of Section 16.(2)(f) of the Overstrand Municipal By-Law on Municipal Planning, 2020 for the removal of restrictive title deed conditions C.1, C.2., C.3. & C.4 as contained in Title Deed T48426/84 of the property to accommodate the proposed change of use of the existing servant's room into a second dwelling.

The restrictive title deed conditions read as follows:

"C. *SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. T4118/1945 imposed by the Administrator of the Cape Province when approving of Hermanus Township Extension No. 4, namely: -*

As synde ten gunste van die geregistreerde eienaar van enige erf in die Dorpsgebied en onderhewig aan wysigings of verandering deur die Administrateur kragtens die bepalings van Artikel 18(3) van Ordonnansie 33 van 1934:-

1. *That this erf be used for residential purposes only.*
2. *That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.*
3. *That not more than half the area of this erf be built upon.*
4. *That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 (four comma seven two) metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,36 (two comma three six) metres of the lateral boundary common to any adjoining erf."*

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C. The Title Deed is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The property measures 833m² in extent and located in Hermanus Extension 4, also known as Northcliff Township. The property is zoned Residential Zone 1: Single Residential and is surrounded by residential erven. The property owner intends to convert the existing servant's room into a second dwelling.

However, there are restrictive conditions contained in the Title Deed for the subject property which limits the property to one dwelling, limits the developable area on the property and prescribes building lines. Therefore, the owner has applied for the restrictive conditions to be removed from the Title Deed.

4. SUMMARY OF APPLICANT'S MOTIVATION

THE MOTIVATION CAN BE SUMMARIZED AS FOLLOWS:

- No new additions are proposed as the application is only for the legalisation of existing structures.
- The existing second dwelling does not encroach any relevant building lines.
- The proposal will not adversely affect the existing character of the area or values of surrounding properties.
- The zoning will remain as is and no change in land use is proposed.
- The structure which will be utilised as a second dwelling already existing and therefore the footprint will minimally impact on neighbouring properties
- The proposal will not have any adverse impact on existing traffic or pedestrian activity as the structure is located behind the existing garage.
- Due to the location of the proposed second dwelling, there will be minimal impact on the streetscape.
- The zoning of the subject property will remain as is.
- The visual impact of the proposal will be kept to a minimum.
- The residential character of the area will be retained.
- The property will be able to provide adequate parking on-site.
- The subject proposal will not have any adverse social or economic impact on the surrounding properties.
- The subject proposal is considered a low impact use which aligns with the low-density residential area that the subject property is located in.
- All services already exist on the subject property with no additional load on the existing services expected.
- The subject property does not have any heritage or environmental significance.
- Access will remain from Bird Lane.
- The subject proposal is not in conflict with any forward planning documentation.

REMOVAL OF RESTRICTIVE CONDITIONS IS MOTIVATED AS FOLLOWS:

The aforementioned restrictive conditions do not allow any structure or building on the property over the building lines, except with the approval of the Administrator and needs to be removed.

The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the personas of the owner of a dominant tenement.

The removal of the restrictive conditions intends to increase the use rights of the property to permit the As-Built structures and the change of use of the servant's

quarters into a second dwelling. The value of the rights is vested in the owners of the properties of Extension No. 4 of Hermanus.

Property owners not seeking that the title deed building line restrictions should be in line with the zoning scheme regulations' restrictions will favour the restrictive title deed conditions since the conditions impede the development of a residential property in line with the zoning scheme. As previously mentioned, the As-Built structures meet the 2,36m title deed building lines requirement as well as all Land Use Scheme lateral and street building line requirements.

The As-Built development (and its encroachments) and the proposed change of use of the servant's quarters into a second dwelling is not an unusually large-scale form of development that encroaches the building lines. The street building line condition is more restrictive than the land use scheme regulations' building lines. Furthermore, the second dwelling SR1 zoned erven includes a second dwelling. Removing the "residential use only" condition will allow the owners to exercise the secondary land use right permitted on the SR1 zoned property.

The personal benefits which accrue to the holder of rights in terms of the restrictive condition.

The conditions were imposed by the Administrator for the benefit of the property owners of Extension No. 4 of Hermanus. The only personal benefit to each holder is that the property is more restricted in terms of developing structures on the subject property. The Administrator is now the Overstrand Municipality, who governs land use applications in line with the existing Land Use Scheme Regulations and relevant spatial planning policies. To keep the title deed conditions will neither have any personal benefit to the Administrator / Overstrand Municipality nor the properties in whose favour the conditions were registered.

The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if removed.

The removal of the restrictive title deed conditions will bring about personal benefits to the current landowners since it will allow them to legalise the conversion of the servant's quarters into a second dwelling. The existing property owner will be able to enjoy the personal benefits of the existing structures and the second dwelling instead of demolishing / or reverting the use to a second dwelling use again. To remove the title deed restrictions will allow the property owner to change the servant quarters to second dwelling.

The social benefit of the restrictive condition remaining in place.

The social benefit if the title deed conditions were to remain unchanged and enforced on the existing As-Built structure will be minimal. If the conditions remain unchanged, the owner must adhere to the title deed's stricter street building line, the proposed habitable unit / structure will have to revert to the approved use of a servant's quarters.

The social benefit of the removal of the restrictive condition.

The removal of the restrictive title deed conditions will allow the scheme regulations' building lines to set the rules for future development on the subject property. The social benefit will therefore only be to the property owners of Erf 4597 Hermanus since it will allow them to keep the existing As Built structures.

Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The removal of the restrictive conditions will not remove all rights enjoyed by the beneficiaries, but only some rights and will instead expand the value of these rights to accommodate the existing structures where applicable. The latter is more desirable for the zoning and extent of the subject property without having a detrimental impact on the rights of anyone else or the character of the area. All other title deed conditions not mentioned in this report will be retained.

CONSISTENCY WITH SPLUMA AND LUPA PRINCIPLES:

Spatial Justice

The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject property has been in existence since 1944.

The proposed application will not promote spatial development imbalances. This application is for an erf as per the establishment of the existing Hermanus Township. The proposed application is in character with the existing area where similar applications have been approved in the past and therefore, the approval of the proposed application will not be spatially biased.

Spatial Sustainability

The proposed land use application will have no impact on the visual elements of the subject property and surroundings since all the structures already exist and do not encroach any land use scheme building lines, coverage or height requirements. It is submitted that the proposed application is compatible with the character of the area. The impact on the biophysical environment will also be kept to a minimum since all structures already exist and no environmental listed activities are triggered.

Removing the residential-only building title deed condition to allow the change of use to a guesthouse is considered spatially sustainable. The proposal is compatible with the residential character of the area and does not impact negatively on the rights of any adjacent property owner.

Spatial Efficiency

The subject property is easily accessible and conveniently located close to the Hermanus CBD and major routes.

Spatial Resilience

This proposal aligns with all relevant spatial planning policies and regulations of the Overstrand Municipality (OM), demonstrating compliance and contributing to the resilience of the planning framework.

It proves to be efficient to accommodate the As-Built structure by approving the proposed removal of restrictive title deed conditions of Erf 4597 Hermanus and the proposed second dwelling in an existing structure.

Good Administration

The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation.

POLICY DOCUMENTS

The proposal is following the forward planning policies. The property is not subject to the EMOZ or HPOZ.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	4 September 2025	10 October 2025
Government Gazette	Yes	5 September 2025	10 October 2025
Notices via e-mail / site notice	Yes	5 September 2025	10 October 2025
Internal departments	Yes	4 September 2025	10 October 2025
Ward Councillor	Yes	4 September 2025	10 October 2025
Total comments	ONE (1)		
Total letters of support	TWO (2)		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes


6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Engineering Services	15/09/2025	See Annexure G.
Building Control	04/09/2025	No objection. The building plan application must comply with all applicable law including fire safety distances.
Fire Department	17/09/2025	No objection subject to compliance with the provisions of SANS 10400-A:2016, 10400-T:2020 and the By-Law relating to fire safety.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION, THE APPLICANT'S RESPONSE AND THE MUNICIPAL TOWN PLANNER'S RESPONSE THEREON

The application was duly advertised in the local newspaper and Government Gazette. E-mail notification letters were also sent out to all owners of Northcliff (Extension 4), and a notice board was also placed on-site by the property owner.

Two (2) letters of support and one (1) comment were received forthcoming the public participation process from the following parties:

COMMENT	LETTERS OF SUPPORT
 S Hanekom	<ul style="list-style-type: none"> ➤ P Boshoff ➤ P Doble

The applicant was provided with an opportunity to respond to the comment received. See Annexures E and F respectively.

The comment, the applicant's reply and the Municipal Town Planners response thereon can be summarized as follows:

S HANEKOM

The **comment** was received from S Hanekom which stated that he does not object to the removal of Conditions C.2 and C.4 but does not understand why Conditions C.1 and C.3 needs to be removed. The applicant provided clarity regarding the reason for the removal of Condition C.1 and C.3 to which the applicant replied with the following:

"I have had another look at your application. I would like to take this opportunity to note the following:

1. *Removal of restrictive condition C-1: an "outbuilding" is defined as a separate structure on the same property. From the plans it is evident that the second dwelling is not separate but rather connected. The Overstrand Municipality Land Use Scheme 2020 Chapter 6 Zoning Scheme defines clearly that for zones SR1 primary uses are "dwelling house" and "second dwelling unit". However, consent is required for "guest house". If the intention is to operate a guest house, the provisions of Chapter 16.10 apply. On page 4 of your application, it is stated "second dwelling will be used by family and friends". However, on page 7 of the application it is stated "removing the residential only building title deed condition to allow the change of use to a guesthouse is considered spatially sustainable". If the intention is to convert the second dwelling to a guest house, this should be clearly stated in the application. The statement "no activities constituting a source of public nuisance will be carried out" does not seem accurate since guests are usually not well known to the homeowner.*
2. *Removal of restrictive condition C-3 - Chapter 6 Zoning Schemes is also clear that "the maximum coverage for all buildings on the land unit is determined in accordance with the net erf area - 400 sqm and greater only 50%". Furthermore, on page 1 of the application it is stated that "no new additions are proposed", however on page 4 it is stated that "to set the rules for future development". If it is the intention of the owner to add additions in the future that will go beyond these limitations, then an application should be made in the future with the proposed plans so that it can be considered by the public. This restriction does not impact the proposed project as the planned coverage is 34% as indicated on the plans.*

I see no reason why restrictive conditions C-1 and C-3 be removed given the current application and the information contained therein. I do however support development of a property and believe it is good for the community and the economy at large. Given the information in the application, removal of only restriction C-2 and C-4 should suffice."

APPLICANT'S RESPONSE

"Thank you for your inquiries.

Town Planners asked for an opinion from Advocate M O'Sullivan, Advocate Rooms Cape Town regarding the uncertainty of the interpretation.

"That the erf be used for residential purposes, but no building other than one dwelling, together with such outbuildings..."Thus in the present instance, it is clear that this registered condition of title permits only single residential use of property given that "residential purposes " is limited to one dwelling. In terms of the regulation of 1935, it was one family only so the usage of the scheme could not be read into it, like for example second dwelling. Northcliff (Hermanus Extension 4) is founded in terms of the ordinance of 1934, and the definition of 1934 is applicable.

The same is applicable to the coverage. It is unsure what the meaning was of "half of the erf in 1945. Does that mean the fiscal building area or the roof area, but the scheme regulation cannot be read in with the same meaning. So, the 50% coverage in terms of the scheme regulation refers to roof area that keeps out rain, but there are also exclusions like verandas and netted areas.

I hope it answers your questions."

TOWN PLANNER'S RESPONSE

The removal of Condition C.1 is not considered as a necessary removal as the subject application does not propose a land use change to the property and thus will remain residential. However, the removal of the condition would not result in an unfair benefit to the landowner as any land use change on the subject property which falls outside its primary land use right as outlined in the Land Use Scheme would still be subject to a land use application to obtain approval. The removal of Condition C.(1) also allows the property to align with the Land Use Scheme and increase its potential as the Land Use Scheme permits primary uses such as crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering. In terms of the Overstrand Land Use Scheme, the property is still zoned Residential Zone 1: Single Residential.

The removal of Condition C.3 however is a sensible request as the current Land Use Scheme does limit properties larger than 400m² to a 50% coverage and thus the subject property will still remain subject to that development parameter. The objector assumes that "*half the area of the erf*" means 50% of the erf, which may not be the case.

The condition does not stipulate what is meant by *half the area* - does it refer the footprint of buildings, floor space or roof coverage? Therefore, to eliminate the grey area, the solution is to align with the Land Use Scheme definition of coverage, which entails the removal of the condition. This will coincide with the objector's assumption.

The removal of Conditions C.2 & C.4 is necessary to accommodate the change of use of the staff quarters into a second dwelling, and the desirability thereof will be further discussed under Paragraph 12 of this report.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)

See Paragraph 7 above.

Internal and External Departments

The application was supported by all internal municipal departments.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

The subject proposal will not perpetuate any past spatial injustices and intends to comply with the development parameter as set out in the Land Use Scheme.

Spatial Sustainability

The application is in an existing residential township and has little too no impact on the natural environment.

Efficiency

The design locality of the proposed garage and second dwelling will ensure efficient use of the property.

Spatial Resilience

The structures will be approved in terms of National Building Regulations. The requirements of SANS will ensure resilience and energy efficiency of the structure.

Good Administration

Administrative procedure was followed as prescribed by the Municipality.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The application is in line with the SDF 2020.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on Municipal Engineering Services

Existing services provided by the Municipality will be used.

10.7 Outcomes of investigations/applications i.t.o other legislation

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application of restrictive conditions can be accommodated in terms of the Overstrand Land Use Scheme.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the personas of the owner of a dominant tenement.

There is no financial value of the rights enjoyed by the applicant.

The personal benefits which accrue to the holder of rights in terms of the restrictive condition.

The holder of the rights, which is Hermanus Extension 4, does accrue personal benefits from the structures.

The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if removed.

The applicant will accrue the benefit to use its erf optimally.

The social benefit of the restrictive condition remaining in place.

The benefit should the conditions remain in place is that the status quo remains.

The social benefit of the removal of the restrictive condition.

There is no social benefit should the conditions be removed.

Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The removal of the conditions will not remove any rights enjoyed by the beneficiaries.

12. THE DESIRABILITY OF THE PROPOSAL

The property is situated in the residential area of Northcliff with similar land uses. A second dwelling is part of the built fabric in the residential area. The subject proposal will contribute towards the economy of Hermanus to provide a variety of forms of accommodation ensure the economic viability of the town. The optimal use of the property ensures that the owner will be able to maintain the property in keep of the character of the area.

The application for the removal of Condition C.2. pertaining to the restrictive condition which limits the property to one residential dwelling is to accommodate the proposed second dwelling. Second dwellings can be accommodated in the Overstrand Land Use Scheme as it is considered a primary right on a single residential property. The condition is more restrictive than the Land Use Scheme, of which the latter went through a public participation process with no objections from the public or any internal departments.

The proposed second dwelling will not require additional building work as an existing staff quarters will be undergo a change of use to be utilized as a second dwelling. The existing structure which will be utilised as a second dwelling, has been in existence for many years and therefore will have little impact on surrounding neighbours and the existing streetscape.

The application for the removal of Condition C.4. pertaining to the restrictive building lines is to allow for any future development to be subject to Land Use Scheme building lines as the Title Deed building lines are more restrictive. This is not out of character for the area that the property is situated in and therefore would not having any significant impact on surrounding properties. \

No objections were received from Municipal and State Departments while one surrounding neighbour did not agree with the removal of Condition C.1. as the application mentioned that the use of the second dwelling as a guesthouse is spatially sustainable and Condition C.3. which outlined the coverage for the subject property. While the subject application does mention utilising the second dwelling as a guesthouse, it is not a primary right in terms of the zoning of the property and therefore would require a consent use application to obtain the necessary land use rights. Therefore, the removal of Condition C.1. would not allow the property to alter its land use as it is still subject to the Land Use Scheme which limits the primary use of the property to a crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering. Thus, the removal of Condition C.1. is not considered undesirable as any land use change would still need to undergo a land use application that will be subject to assessment by the planner of the area and public participation to allow the public to comment proposed land use changes. The removal of Condition C.1. also allows the property to align itself with the Land Use Scheme without

compromising the character of the area or negatively impacting any surrounding properties.

This will also limit the possibility of qualifying for a residential building, place of assembly, school or institution. This is the allowable uses in terms of the definition of “residential purposes” as per the 1935 Regulations. To restrict the owner of utilising the mentioned land uses as per the township establishment conditions, 1935, the best is to remove the condition and restrict the use of the property as per the Overstrand Land Use Scheme, 2020 and not 1935, since some of the uses are not in line with the character of the residential neighbourhood of Northcliff.

Condition C.3. states that only half of the area of the erf be built upon. The removal of this condition would not result in any additional gain to the property owner or detrimental impact on the surrounding property owners as the Land Use Scheme still limits the subject property to a maximum coverage of 50%.

The objector assumes that “*half the area of the erf*” means 50% of the erf, which may not be the case. The condition does not define *only half of the area*; does it refer the footprint of buildings or floor space? Therefore, to eliminate the grey area, the solution is to align with the Land Use Scheme definition of coverage, which entails the removal of the condition.

The objector seems not to object to the Overstrand Land Use Scheme coverage of 50% for single residential erven and the removal of the condition will ensure that the interpretation of half of the area coincide with the allowable 50% of the Overstrand Land Use Scheme.

The application will not have a negative impact on the character of the area, as second dwellings is part of the character of residential area.

CONCLUSION

The application is recommended for approval.

13. RECOMMENDATION

1. that the comment **be noted**.
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4597, Hermanus for the removal of restrictive title deed conditions C.1., C.2., C.3. & C.4. as contained in Title Deed T48426/84 of the property to accommodate the proposed double garage and a second dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval be limited to the building/structures as per plan numbers HER 4597/2025 (1-2) dated 8 August 2025, submitted with this application read in conjunction with the approval;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (c) that the second dwelling not be utilised as a guesthouse without the necessary land use approval;

- (d) that the amended title deed be submitted for record purposes to the Municipality;
 - (e) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (g) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (h) that all the conditions in the Services Report (attached as Annexure G), be complied with.
3. that the applicant and person who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The removal will have no detrimental effect on the character of the area.
- ❖ No additional construction/additions are proposed as the second dwelling will be accommodated in an existing building.
- ❖ The addition of a second dwelling on the property is aligned with the zoning and land use of the subject property.
- ❖ The streetscape will remain unaltered, and no additional services will be required.
- ❖ Adequate parking can be accommodated on the property.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plans
Annexure D:	Title Deed T48426/84
Annexure E:	Comment & support letters received
Annexure F:	Applicant's reply to comment
Annexure G:	Services Report

SIGNATURE

REGISTERED PLANNER

Name: **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

Signature: _____

Date: _____



Locality Map

ERF 4597, 30 BIRD LANE, NORTHCLIFF, HERMANUS



MOTIVATION REPORT**Proposed Removal Of Restrictive Title Deed Conditions - Erf 4597 Hermanus**

I, JP van Taak, owner of Erf 4597 Hermanus, hereby apply for the **removal of the title deed conditions C.1, C.2., C.3. & C.4.** of the subject property. There is an existing single storey dwelling, second dwelling in progress situated on the subject property. The intent of the application is to change the servant's room into a second dwelling on Erf 4597.

APPLICATION DETAILS

✚ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to remove conditions of title deed no. T48426/84 to accommodate the intended second dwelling on Erf 4597.

The current property owners want to legalize all **existing** As Built structures. **No new additions are proposed.** The As built structures have a minimal impact on the neighbouring properties since the footprint of the structures will remain the same.

The change of use of the approved servant's quarters into a second dwelling. Take note that this structure does not encroach the land use scheme regulations' building lines. The As Built conversion of the servant's quarters consists of a second dwelling.

The Overstrand Land Use Scheme Regulations (2020) stipulate the following land use restrictions for Residential Zone 1: Single Residential properties (larger than 400m²):

Coverage:	50%
Height:	8m (measured from the base level to top of roof)
Building lines: street:	4m
rear	2m
lateral	2m

The proposed application does not have any impact on the character or property values of the surrounding properties since all structures and uses thereof already exist on the subject property.

The **existing structures** on the subject property do not create an infringement to any passing traffic or public activity due the position of the As Built structures on site. It is submitted that the massing and height of the existing structures are compatible with the character of the area. In addition, the existing structures and the proposed use thereof are compatible with the character of the area, do not impact negatively on the rights of anyone else and that no good reason exists for not approving this application.

PROPERTY DESCRIPTION

Erf 4597 Hermanus is situated at 30 Bird Avenue, Northcliff, Hermanus. The subject property has a single street frontage in Bird Lane. Refer to the locality plan attached. Erf 4597 Hermanus is 833m² in extent and is held by title deed no. T48426/84. The subject property is level sloped and characterized by residential structures (dwelling and garden). The structures on the subject property are single storey.

ZONING

Erf 4597 Hermanus is zoned Residential Zone 1: Single Residential (SR1). Surrounding properties are zoned for single residential, public road, public open space and authority use purposes.

LAND USE

There is an existing single storey dwelling situated on erf 4597 Hermanus. The subject property is therefore used for single residential living purposes. Land uses that surround the subject property are dwellings and public roads.

REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

Title Deed no. T48426/84 has restrictive title deed conditions that need to be removed to accommodate the second dwelling.

It is proposed to remove the following restrictive title deed conditions registered by the Administrator (now the Overstrand Municipality) to accommodate the As Built second dwelling on Erf 4597 Hermanus.

The restrictive conditions applicable in Title deed no. T48426/84 reads as follows:

"C. SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. T4118/1945 imposed by the Administrator of the Cape Province when approving of Hermanus Township Extension No. 4, namely:-

As synde ten gunste van die geregistreerde eienaar van enige erf in die Dorpsgebied en onderhewig aan wysigings of verandering deur die Administrateur kragtens die bepalinge van Artikel 18(3) van Ordonnansie 33 van 1934:-

- 1. That this erf be used for residential purposes only.*
- 2. That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.*
- 3. That not more than half the area of this erf be built upon.*
- 4. That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 (four comma seven two) metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,36 (two comma three six) metres of the lateral boundary common to any adjoining erf."*

Section 39(5) of the Land Use Planning Act (LUPA), 2014, stipulates that a Municipality should have regard to the following factors when considering the “removal, suspension or amendment of a restrictive condition”:

- ⚡ ***The financial or other value of the rights in terms of the restrictive conditions enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement***

The removal of the restrictive conditions intends to increase the use rights of the property to permit the As Built structures and the change of use of the servant’s quarters into a second dwelling. The value of the rights is vested in the owners of the properties of Extension No. 4 of Hermanus.

Property owners not seeking that the title deed building line restrictions should be in line with the zoning scheme regulations’ restrictions will favour the restrictive title deed conditions since the conditions impede the development of a residential property in line with the zoning scheme. As previously mentioned, the As Built structures meet the 2,36m title deed building lines requirement as well as all land use scheme lateral and street building line requirements.

The As Built development (and its encroachments) and the proposed change of use of the servant’s quarters into a second dwelling is not an unusually large-scale form of development that encroaches the building lines. The street building line condition is more restrictive than the land use scheme regulations’ building lines. Furthermore, the second dwelling SR1 zoned erven includes a second dwelling. Removing the “residential use only” condition will allow the owners to exercise the secondary land use right permitted on the SR1 zoned property.

- ***The personal benefits which accrue to the holder of rights in terms of the restrictive conditions***

The conditions were imposed by the Administrator for the benefit of the property owners of Extension No. 4 of Hermanus. The only personal benefit to each holder is that the property is more restricted in terms of developing structures on the subject property. The Administrator is now the Overstrand Municipality, who governs land use applications in line with the existing Land Use Scheme Regulations and relevant spatial planning policies. To keep the title deed conditions will neither have any personal benefit to the Administrator / Overstrand Municipality nor the properties in whose favour the conditions were registered.

- ***The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if they are removed***

The removal of the restrictive title deed conditions will bring about personal benefits to the current landowners since it will allow them to legalise the conversion of the servant’s quarters into a second dwelling. The existing property owner will be able to enjoy the personal benefits of the existing structures and the second dwelling instead of demolishing / or reverting the use to a second dwelling use again. To remove the title deed restrictions will allow the property owner to change the servant quarters to second dwelling.

- ***The social benefit of the restrictive conditions remaining in place in its existing form***

The social benefit if the title deed conditions were to remain unchanged and enforced on the existing As Built structure will be minimal. If the conditions remain unchanged, the owner must adhere to the title deed's stricter street building line, the proposed habitable unit / structure will have to revert to the approved use of a servant's quarters.

- ***The social benefit of the removal or amendment of the restrictive conditions***

The removal of the restrictive title deed conditions will allow the scheme regulations' building lines to set the rules for future development on the subject property. The social benefit will therefore only be to the property owners of Erf 4597 Hermanus since it will allow them to keep the existing As Built structures.

- ***Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of those rights***

The removal of the restrictive conditions will not remove all rights enjoyed by the beneficiaries, but only some rights and will instead expand the value of these rights to accommodate the existing structures where applicable. The latter is more desirable for the zoning and extent of the subject property without having a detrimental impact on the rights of anyone else or the character of the area. All other title deed conditions not mentioned in this report will be retained.

THE POTENTIAL OF THE PROPERTY

The zoning of the subject property will remain unchanged. The location of the subject property within a single residential area allows the property to be developed for low impact land uses only. The subject property is situated in the picturesque Hermanus that forms part of the greater Overstrand area with many tourism valued sites and attractions luring thousands of tourists to the area annually.

The following should be noted when considering the potential of the site:

- ✚ The visual impact will be kept to a minimum since the structures meet all land use scheme regulations' development parameters.
- ✚ The massing and scale of the As Built structures are compatible with the area.
- ✚ The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the proposed change of application. The As Built structures and its proposed use will add value to the subject property.
- ✚ The owner will reside in the main dwelling on the property.
- ✚ The residential character will be retained.
- ✚ No activities constituting a source of public nuisance will be carried out.
- ✚ The minimum parking requirement for providing parking on-site is met.
- ✚ Second dwelling will be used by family and friends.

ECONOMIC IMPACT

The application will have a low but positive impact on the local economy.

SOCIAL IMPACT

It is the intent of the property owners to protect the sense of place of the area. The impact on the social well-being and social coherence of the adjacent property owners will be minimal given that the land use will be in line with the character and spatial planning policies for the area.

No negative impact on the social wellbeing of the surrounding community is anticipated. It is submitted that changing the use of the servant quarters to a second dwelling is compatible with the character of the area and does not impact negatively on the rights of anyone else.

COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing low-density residential area. The application does not propose to change the zoning of the subject property. The surrounding properties are developed with mostly single storey dwellings, and the use of the surrounding properties is for permanent residences. The scale of the structures on Erf 4597 Hermanus merges well with the scale of the surrounding dwellings in the immediate area.

The proposed use is considered a low impact use that is compatible with the residential area. . No deviations are being applied for to accommodate the proposed second dwelling.

The nature and scale of the proposed change of use considers the character of the residential area in terms of the approved policies. The residential component and residential appearance of the property are retained. There is no impact on the streetscape.

IMPACT ON EXTERNAL ENGINEERING SERVICES

All services on the subject property already exist. The As Built structures and proposed second dwelling use will have no impact on the usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated. Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed consent use, departure and removal of restrictive title deed conditions will have no impact on the general safety and well-being of the surrounding community. Since the proposed removal of restrictive title deed conditions application is not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Consequently, the proposed land use application does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 4597 Hermanus is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality's Land Use Scheme Heritage Overlay Zone (2020). The subject property is not earmarked for heritage conservation purposes with reference to the Overstrand Municipal Growth Management Strategy (2010). It is also not demarcated as part of a Heritage Protective Overlay Zone (2020) for the area.

The dwelling on the subject property is older than 60 years. The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed land use application does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The subject property is not situated within the Overstrand Municipality's Zoning Scheme Environmental Overlay Zone (2020).

ACCESS

The access will remain in place.

FORWARD PLANNING AND LAND USE DOCUMENTS

Overstrand Municipal Growth Management Strategy (OMGMS, 2010) specifies that erf 4597 Hermanus forms part of Planning Unit no. 12. This planning unit stipulates an increase in the density of the area from 7,6du/ha to 9,9du/ha. The subject property abuts the Hermanus CBD area. From the above it is evident that the proposed development adheres and complies with the relevant municipal spatial planning policies.

PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject property has been in existence since 1944.

The proposed application will not promote spatial development imbalances. This application is for an erf as per the establishment of the existing Hermanus Township. The proposed application is in character with the existing area where similar applications have been approved in the past and therefore, the approval of the proposed application will not be spatially biased.

Spatial sustainability: The proposed land use application will have no impact on the visual elements of the subject property and surroundings since all the structures already exist and do not encroach any land use scheme building lines, coverage or height requirements. It is submitted that the proposed application is compatible with the character of the area. The impact on the biophysical environment will also be kept to a minimum since all structures already exists and no environmental listed activities are triggered.

Removing the residential-only building title deed condition to allow the change of use to a guesthouse is considered spatially sustainable. The proposal is compatible with the residential character of the area and does not impact negatively on the rights of any adjacent property owner.

Efficiency: The subject property is easily accessible and conveniently located close to the Hermanus CBD and major routes.

It proves to be efficient to accommodate the As Built structure by approving the proposed removal of restrictive title deed conditions of erf 4597 Hermanus and the proposed second dwelling in an existing structure.

Good administration: The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation.

RECOMMENDATION

When this application is evaluated, it is important to take note of the following:

- ⚡ All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- ⚡ The zoning of the subject property will remain unchanged;
- ⚡ The As Built structure meets all the land use scheme regulations' development parameters (the As Built structure does not encroach the land use scheme building lines).
- ⚡ The proposal is compatible with the existing built character of the area;
- ⚡ There are no heritage aspects that will negatively impact the application;
- ⚡ There are no environmental aspects that will negatively impact the application, and the application will not have a negative impact on any environmental factors;
- ⚡ The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

ZONING : SINGLE RESIDENTIAL
OCCUPATION CLASSIFICATION : H4

TOWN PLANNING REQUIREMENTS

	NEW	EXISTING	COVERAGE
DWELLING		178.04m ²	178.04m ²
COVERED ENTRANCE		4.67m ²	4.67m ²
COVERED VERANDA		13.20m ²	13.20m ²
NEW COVERED VERANDA	16m ²		16m ²
2ND DWELLING		37.96m ²	37.96m ²
GARAGE		33.75m ²	33.75m ²
TOTAL	16m²	267.62m²	283.62m²
ERF SIZE : 833M²			34%

PROJECT

APPLICATION FOR REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS:
NEW 2N DWELLING ON ERF 4597
30 BIRD LANE, HERMANUS

CLIENT

JOHANNES P VAN TAAK

DRAWING :

SITE PLAN

DATE	08/08/2025	PLAN NO:	HER 4597/2025
REVISED		SHEET NO	1 OF 2

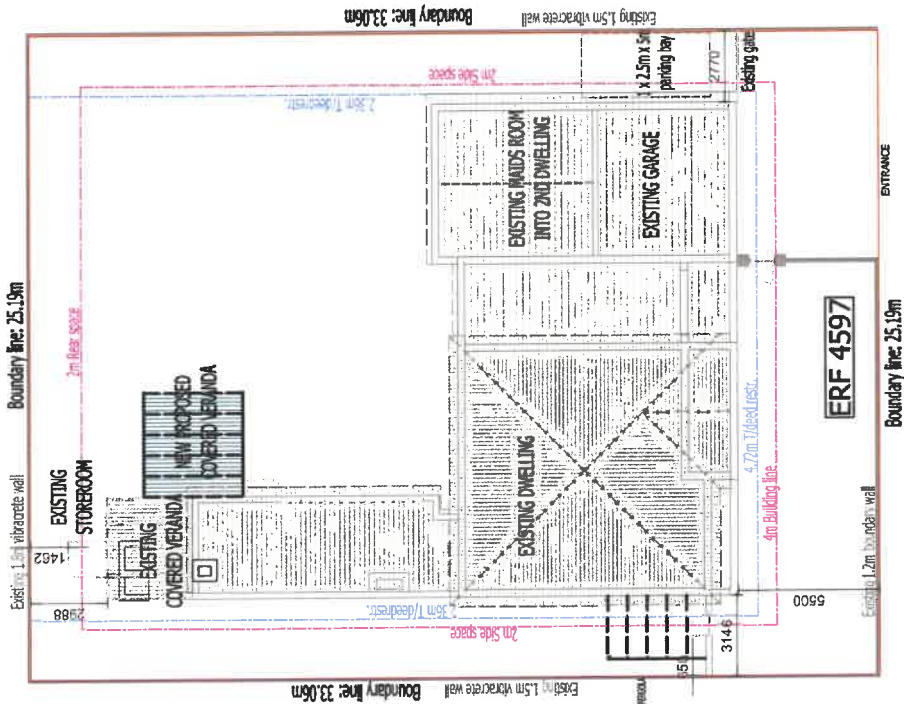


PROFESSIONAL ARCHITECTURAL DRAFTING FIRM
RONIKA CHAMIER
LLS & AN (Pretoria) (Incorporated on 11 Apr 2017)

Cell : 082 044 8229
chamcad51@gmail.com
19 Fourth Avenue
Botrivier

C H A M C A D

ERF 4596



ERF 4594

ERF 4598

ERF 4597

BIRD LANE
SITE PLAN
SCALE 1:200

DUKUNIAH MATAVALE/COMPUTER: DATA CAPTUR.		
APDENEER/ENTERED	DATE DATE	OPERATE
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FOR FURTHER ENDORSEMENTS SEE
 VIR VERDERE ENDOSSEMENTE SIEN. P. 6.

T 48426/84

MICRO FILMED - MIKROVERFILM	
DATE - DATU	OPERATOR - OPERATEUR
1984-10-23	

Deed of Transfer

BY VIRTUE OF A POWER OF ATTORNEY

TRUTER & PARTNERS
 VENNOTE

FRENCH BANK BUILDING/GEBOU
 4 CHURCH SQUARE/KERKPLEIN 4
 CAPE TOWN/KAAPSTAD

Prepared by me,

Conveyancer

TRUTER J D DE V

KNOW ALL MEN WHOM IT MAY CONCERN

That

JAN DANIEL DE VILLIERS TRUTER

appeared before me, Registrar of Deeds at CAPE TOWN he being duly
 authorised thereto by a Power of Attorney, executed at GERMISTON
 on the 7th day of JUNE 19 84
 by

EDUARD CHRISTIAAN HAUMANN LÖTTER
 Identity Number 341026 5013 00 1

which power, witnessed in accordance with law, was exhibited to me on this day. And the
 Appearer declared that his said Principal had truly and legally sold on
 10th APRIL 1984 and that He in his capacity as attorney
 aforesaid/

- 2 -

aforesaid did by these presents, cede and transfer, in full and free property
to and on behalf of

JOHANNES PRINS VAN TAAK
Identity Number 540224 5009 00 9

WHITE GROUP

his Heirs, Executors, Administrators or Assigns

ERF 4597 HERMANUS
situate in the Municipality of Hermanus,
Division of Caledon;

MEASURING:

Eight Hundred and Thirty Three (833)
Square Metres

WHITE GROUP
BLANKE GROEP

ORIGINALLY TRANSFERRED by Deed of Transfer No. T.4118
dated 3rd April 1945 with Diagram relating thereto and
held by Deed of Transfer No. T.50471/1980.

- A. SUBJECT to the conditions referred to in Deed
of Transfer No. 4118 dated 3rd April 1945;
- B. SUBJECT to the following conditions contained
in Deed of Grant issued under the provisions of
Section 10 of Act 15 of 1887 on 5th August 1922
(Caledon Freeholds Volume 3 No. 8), namely:—

"(2) That /

- 3 -

- "2. That all roads and thoroughfares over the land whether or not described in the plan or diagram thereof, shall remain free and uninterrupted unless closed, diverted or altered by competent authority.
3. That all right to minerals, mineral products, mineral oils and precious stones, precious or base metals on or under the land hereby granted are expressly reserved to the State, together with the right of access to any mines or works undertaken for mining or prospecting purposes by any person duly authorised in that behalf. The land is subject to such further rights as the public or the Government may now or may hereafter have or be entitled to obtain under or by virtue of any law relating to the prospecting, digging, mining or exploitation of minerals, mineral products, mineral oils, precious stones, precious or base metals on or under the land hereby granted, which rights shall not be impaired or in any way affected by the title deed.
4. That the land hereby granted shall be subject to all rights and servitudes which now affect, or at any time hereafter may be found to affect, the title of the land hereby granted, or which may be binding on the Government in respect of the said land as at date hereof."

C. SUBJECT to the following conditions contained in the said Deed of Transfer No. T.4118/1945 imposed by the Administrator of the Cape Province when approving of Hermanus Township Extension No. 4, namely :-

As synde ten gunste van die geregistreerde eienaar van enige erf in die Dorpsgebied en onderhewig aan wysiging of verandering deur die Administrateur kragtens die bepalings van Artikel 18(3) van Ordonnansie 33 van 1934 :-

1. That /.....

- 4 -

1. That this erf be used for residential purposes only.
2. That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
3. That not more than half the area of this erf be built upon.
4. That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 (four comma seven two) metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,36 (two comma three six) metres of the lateral boundary common to any adjoining erf.

As synde ten gunste van die Administrateur :-

5. That this erf be not subdivided except with the consent in writing of the Administrator.

As synde ten gunste van die Munisipaliteit :-

6. That the owner of this erf shall be obliged to allow the drainage or sewerage of any other erf to be conveyed over this erf, if deemed necessary by the Council of the Municipality of Hermanus and in such manner and in such position as may from time to time be reasonably required by the said Municipal Council."

D. SUBJECT to the following conditions contained in the said Deed of Transfer No. T.4118/1945 imposed by the Council of the Municipality of Hermanus for its benefit namely :-

- "(a) No person, company or syndicate shall at any time own more than four vacant erven in this Extension (Hermanus Township Extension No. 4).
- (b) No person shall construct a dwelling with the necessary outbuildings at a cost of less than R1 200,00 on this erf.

WHEREFORE /.....

①

Wherefore the Appearer in his said Capacity, renouncing all the right and title the said

TRANSFEROR

heretofore had to the premises, did, in consequence also acknowledge the said

TRANSFEROR

to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents, the said

TRANSFEEE

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto conformably to local custom; State, however, reserving its rights: and finally acknowledging the said

TRANSFEROR

to be satisfactorily paid the whole of the purchase money amounting to the sum of R54 000,00 (FIFTY FOUR THOUSAND RAND).

In Witness whereof, I, the said Registrar, together with the Appearer q.q. have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

Thus done and executed, at the Office of the Registrar of Deeds, in CAPE TOWN on the 7th day of September in the Year of our Lord, One Thousand Nine Hundred and Eighty Four (1984).

[Handwritten Signature]

q.q.

In my presence,

[Large Handwritten Signature]

Registrar of Deeds

Mortgage Endorsements (if any) at head of Deed

Registered in the

Register of

Book Folio

Clerk in Charge.

[Support]

609

REKORDBEHEER
05 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Loretta Gillion

Annexure E 1/6

From: Pierre Boshoff <pierre@hermanusclothing.co.za>
Sent: Thursday, 04 September 2025 10:09
To: 'johannes van taak'; Loretta Gillion
Subject: RE: NOTICE OF APPLICATION: Erf 4597, 30 Bird Lane, Northcliff, Hermanus - You are regarded as a potentially affected property owner.

Hi Johannes

Building planes noted , wishing you all the best with your build!

Kind Regards
 Pierre Boshoff
 2 Robin Av.

FILE NO. Erf 4597-HNC
SCAN NO.
COLLABORATOR NO.
2858907

From: johannes van taak [mailto:johannesvantaak@gmail.com]
Sent: Tuesday, 02 September 2025 20:52
To: Loretta Gillion <loretta@overstrand.gov.za>
Cc: johannes van taak <johannesvantaak@gmail.com>
Subject: NOTICE OF APPLICATION: Erf 4597, 30 Bird Lane, Northcliff, Hermanus - You are regarded as a potentially affected property owner.

Dear Sir / Madam

As instructed by the Town & Spatial Planning Department of Overstrand Municipality, notice is hereby given to potentially affected property owners of the land use planning application on Erf 4597.

SUBJECT PROPERTY: ERF 4597, 30 BIRD LANE, NORTHCLIFF, HERMANUS

Application is made for the removal of restrictive Title Deed conditions C1, C2, C3 & C4 to accommodate the proposed change of use of the existing servant's room into a second dwelling.

Attached please find the advertisement, locality plan, Motivation Report and Site Plan.

Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) on or before **10 October 2025**, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Senior Town Planner, Mrs. H. van der Stoep at 028-3138900.

Kind regards

JP (Johan) van Taak - Property owner of Erf 4597, Northcliff, Hermanus

TP

5 SEP 2025

04 SEP 2025

Loretta Gillion

[Support]

2/6

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: johannes van taak <johannesvantaak@gmail.com>
Sent: Wednesday, 03 September 2025 19:09
To: Loretta Gillion
Subject: Fwd: NOTICE OF APPLICATION: Erf 4597, 30 Bird Lane, Northcliff, Hermanus - You are regarded as a potentially affected property owner.

----- Forwarded message -----

From: johannes van taak <johannesvantaak@gmail.com>
Date: Wed, 03 Sep 2025, 14:37
Subject: Re: NOTICE OF APPLICATION: Erf 4597, 30 Bird Lane, Northcliff, Hermanus - You are regarded as a potentially affected property owner.
To: peter doble <peter.doble@yahoo.com>

Hi Peter

Thank you so much.

Regards

Johan van Taak

On Wed, 03 Sep 2025, 12:56 peter doble <peter.doble@yahoo.com> wrote:
 Morning Johan

Thanks for including me on your circulation.

It all looks straightforward so good luck with it.

Regards

Peter

FILE NO. <u>ERF 4597-HNC</u>
SCAN NO.
COLLABORATOR NO.
<u>2858579</u>

Sent from Yahoo Mail for iPhone

On Tuesday, September 2, 2025, 20:36, johannes van taak <johannesvantaak@gmail.com> wrote:

Dear Sir / Madam

As instructed by the Town & Spatial Planning Department of Overstrand Municipality, notice is hereby given to potentially affected property owners of the land use planning application on Erf 4597.

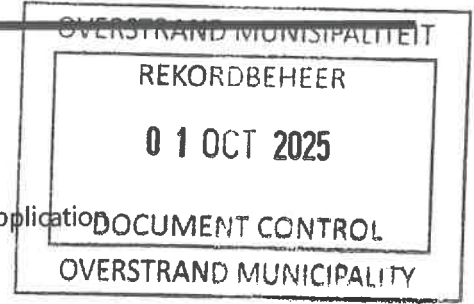
SUBJECT PROPERTY: ERF 4597, 30 BIRD LANE, NORTHCLIFF, HERMANUS

TP

[Comment]

Loretta Gillion

From: Stefan Hanekom <stefan.hanekom@gmail.com>
Sent: Tuesday, 30 September 2025 14:37
To: johannes van taak
Cc: Loretta Gillion; Hanneen van der Stoep
Subject: Re: Inquiries in connection with Town planning application



Dear Mr van Taak, thank you for your response.

I have had another look at your application. I would like to take this opportunity to note the following:

1. Removal of restrictive condition C-1: an "outbuilding" is defined as a separate structure on the same property. From the plans it is evident that the second dwelling is not separate, but rather connected. The Overstrand Municipality Land Use Scheme 2020 Chapter 6 Zoning Scheme defines clearly that for zones SR1 primary uses are "dwelling house" and "second dwelling unit". However, consent is required for "guest house". If the intention is to operate a guest house, the provisions of Chapter 16.10 apply. On page 4 of your application it is stated "second dwelling will be used by family and friends". However, on page 7 of the application it is stated "removing the residential only building title deed condition to allow the change of use to a guesthouse is considered spatially sustainable". If the intention is to convert the second dwelling to a guest house, this should be clearly stated in the application. The statement "no activities constituting a source of public nuisance will be carried out" does not seem accurate since guests are usually not well known to the home owner.

2. Removal of restrictive condition C-3 - Chapter 6 Zoning Schemes is also clear that "the maximum coverage for all buildings on the land unit is determined in accordance with the net erf area - 400 sqm and greater only 50%". Furthermore, on page 1 of the application it is stated that "no new additions are proposed", however on page 4 it is stated that "to set the rules for future development". If it is the intention of the owner to add additions in the future that will go beyond these limitations, then an application should be made in the future with the proposed plans so that it can be considered by the public. This restriction does not impact the proposed project as the planned coverage is 34% as indicated on the plans.

I see no reason why restrictive conditions C-1 and C-3 be removed given the current application and the information contained therein. I do however support development of a property and believe it is good for the community and the economy at large. Given the information in the application, removal of only restriction C-2 and C-4 should suffice.

Regards / Groete

Stefan Hanekom
 C: +2777 362 3949
 C: +1661 582 3793

FILE NO. ERF 4597
Northcliff
SCAN NO.
COLLABORATOR NO.
2873733

On Mon, 29 Sept 2025 at 13:28, johannes van taak <johannesvantaak@gmail.com> wrote:

Hi Stefan

TP - 01 OCT 2025

Thank you for your inquiries.

Town Planners asked for an opinion from Advocate M O'Sullivan, Advocate Rooms Cape Town regarding the uncertainty of the interpretation..

"That the erf be used for residential purposes ,but no building other than one dwelling, together with such outbuildings..."Thus in the present instance, it is clear that this registered condition of title permits only single residential use of property given that "residential purposes " is limited to one dwelling. In terms of the regulation of 1935 it was one family only so the usage of the scheme could not be read into it, like for example second dwelling. Northcliff (Hermanus Extension 4) is founded in terms of the ordinance of 1934 and the definition of 1934 is applicable.

The same is applicable to the coverage.It is unsure what the meaning was of "half of the erf" in 1945. Does that mean the fiscal building area or the roof area but the scheme regulation cannot be read in with the same meaning. So the 50% coverage in terms of the scheme regulation refers to roof area that keeps out rain, but there are also exclusions like verandas and netted areas.

I hope it answers your questions

Kind regards

Johan van Taak

Loretta Gillion

From: Stefan Hanekom <stefan.hanekom@gmail.com>
Sent: Tuesday, 23 September 2025 10:28
To: Loretta Gillion
Subject: Re: NOTICE OF APPLICATION: Erf 4597, 30 Bird Lane, Northcliff, Hermanus - You are regarded as a potentially affected property owner.

Hello Loretta, I have not received any feedback regarding the email above. Do you require a formal objection to restrictive C.1 and C.3 being removed?

Thank you in advance.

Regards / Groete

Stefan Hanekom
C: +2777 362 3949
C: +1661 582 3793

On Tue, 16 Sept 2025 at 11:54, Stefan Hanekom <stefan.hanekom@gmail.com> wrote:
Dear Mr van Taak, I had a look at your application.

I have no objections to C.2 and C.4. However, I am not sure why restrictive condition C.1 must be removed since the second residence will be used by "family and friends" as stated. Additionally I am not sure why restrictive condition C.3 must be removed since the proposed structure (including the second dwelling) is below the 50% requirement (34% indicated on the plan). I do not understand why these restrictions should be removed given the information in your motivation report. It is not entirely clear from the application that a new veranda and parking bay will be added, even though it is indicated on the map.

Any further information would be appreciated.

Regards / Groete

Stefan Hanekom
C: +2777 362 3949
C: +1661 582 3793

On Tue, 2 Sept 2025 at 20:36, johannes van taak <johannesvantaak@gmail.com> wrote:
Dear Sir / Madam

As instructed by the Town & Spatial Planning Department of Overstrand Municipality, notice is hereby given to potentially affected property owners of the land use planning application on Erf 4597.

SUBJECT PROPERTY: ERF 4597, 30 BIRD LANE, NORTHCLIFF, HERMANUS

Application is made for the removal of restrictive Title Deed conditions C1, C2, C3 & C4 to accommodate the proposed change of use of the existing servant's room into a second dwelling.

Attached please find the advertisement, locality plan, Motivation Report and Site Plan.

Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) on or before **10 October 2025**, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Senior Town Planner, Mrs. H. van der Stoep at 028-3138900.

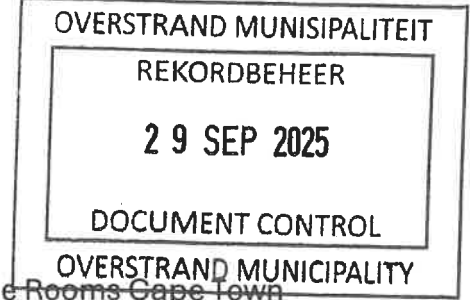
Kind regards

JP (Johan) van Taak - Property owner of Erf 4597, Northcliff, Hermanus

Annexure F 1/2

Loretta Gillion

From: johannes van taak <johannesvantaak@gmail.com>
Sent: Monday, 29 September 2025 13:28
To: stefan.hanekom@gmail.com
Cc: Loretta Gillion; Hanneen van der Stoep
Subject: Inquiries in connection with Town planning application



Hi Stefan

Thank you for your inquiries.

Town Planners asked for an opinion from Advocate M O'Sullivan, Advocate Rooms Cape Town regarding the uncertainty of the interpretation..

"That the erf be used for residential purposes ,but no building other than one dwelling, together with such outbuildings..."Thus in the present instance, it is clear that this registered condition of title permits only single residential use of property given that "residential purposes " is limited to one dwelling. In terms of the regulation of 1935 it was one family only so the usage of the scheme could not be read into it, like for example second dwelling. Northcliff (Hermanus Extension 4) is founded in terms of the ordinance of 1934 and the definition of 1934 is applicable.

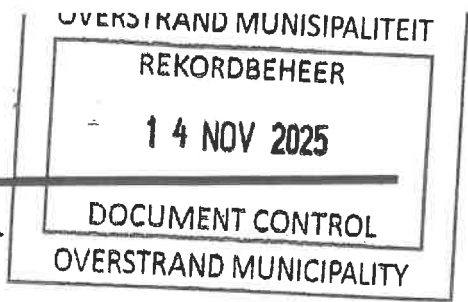
The same is applicable to the coverage.It is unsure what the meaning was of "half of the erf" in 1945. Does that mean the fiscal building area or the roof area but the scheme regulation cannot be read in with the same meaning. So the 50% coverage in terms of the scheme regulation refers to roof area that keeps out rain, but there are also exclusions like verandas and netted areas.

I hope it answers your questions

Kind regards

Johan van Taak

FILE NO. ERF 4597 ✓
Northcliff
SCAN NO.
COLLABORATOR NO.
2872594



2/2

Loretta Gillion

From: johannes van taak <johannesvantaak@gmail.com>
Sent: Friday, 14 November 2025 12:06
To: Loretta Gillion
Subject: In connection with a follow up enquiry of Mr Stefan Hanekom.

Hi Loretta

This is to confirm that there is no intention to operate an guest house or any other commercial operations from Erf 4597.

Kind Regards

Johan van Taak.

----- Forwarded message -----

From: johannes van taak <johannesvantaak@gmail.com>
Date: Thu, 13 Nov 2025, 11:48
Subject: In connection with a follow up enquiry of Mr Stefan Hanekom.
To: Loretta Gillion <loretta@overstrand.gov.za>

I hereby confirm that under no circumstances a guest house will be operate.

Kind regards

Johan van Taak.

FILE NO.	Erf 4597-HNC
SCAN NO.	
COLLABORATOR NO.	2907104

TP 14 NOV 2025

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS:
ERF 4597, NORTHCLIFF (5026/2025)**

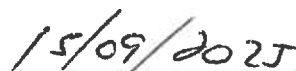
Stormwater (SW) : Refer to conditions
Electricity : Refer to conditions
Water : Refer to conditions
Sewer : Refer to conditions
Roads and traffic : Refer to conditions

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that no reservation of on-street parking be allowed;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
8. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**



DATE